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TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>		Application Number	09/635,345
		Filing Date	August 9, 2000
		First Named Inventor	Albert K. Chin
		Group Art Unit Number	3783
		Examiner Name	Thomas C. Barrett
Total Number of Pages in This Submission	11*	Attorney Docket Number	80121-07179

ENCLOSURES (check all that apply)	
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REMARKS: *Page count does not include cited references.	

SIGNATURE OF ATTORNEY OR AGENT		
Signature:		
Attorney/Reg. No.:	Albert C. Smith, Reg. No. 20,355	Dated: 4/28/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Albert K. Chin
APPLICATION NO.: 09/635,345
FILING DATE: August 9, 2000
TITLE: Apparatus And Methods For Subxiphoid Endoscopic Access
EXAMINER: Thomas C. Barrett
GROUP ART UNIT: 3738
ATTY. DKT. NO.: 80121-07179



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

Concise explanations in accordance with the provisions of 37 CFR § 1.98 of the portions of the references not in the English language believed to be relevant are as follows:

B1 – The figure and associated text of this reference are believed to disclose an intravascular device for performing vascular surgery under endoscopic viewing.

B4 – Figure 2 and the associated written description are believed to disclose an endoscopic device for optically examining an orifice or cavity in a patient.

B7 – Figures 1 and 2 and the associated text of this reference are believed to disclose a surgical device on a flexible extension.

B8 – The figures and associated text of this reference are believed to disclose an endoscopic device for penetrating tissue in the leg of a patient.

C2 – Figures 1 and 5-7 and the associated written descriptions are believed to disclose subxiphoid access to the pericardium for penetration of the pericardium to install electrodes for an implantable pacemaker onto the myocardium.

This Information Disclosure Statement is being filed:

- ☐ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- ☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- ☒ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - ☒ attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
 - ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;

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- ☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
- ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- ☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- ☐ Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.
- ☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. _____, filed on _____, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- ☒ Copies of any foreign patent documents and non-patent literature cited herein are enclosed.
- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).

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☐ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

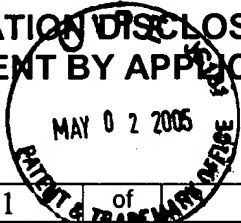
Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
ALBERT K. CHIN

Dated: 4/28/05

By: A.C. Smith
Albert C. Smith, Reg. No.: 20,355
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT 		Application No.	09/635,345
		Filing Date	August 9, 2000
		First Named Inventor	Albert K. Chin
		Art Unit	3738
		Examiner Name	Thomas C. Barrett
Sheet	1 of 5	Attorney Docket Number	80121-07179

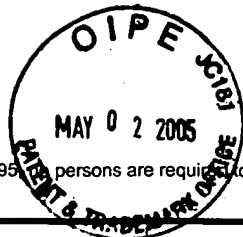
U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Document No. Number – Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	US-6,706,052	03-16-2004	Chin
	A2	US-6,607,547	08-19-2003	Chin
	A3	US-6,569,082	05-27-2003	Chin
	A4	US-6,428,556	08-06-2002	Chin
	A5	US-6,206,004	03-27-2001	Schmidt et al.
	A6	US-6,156,009	12-05-2000	Grabek
	A7	US-6,039,748	03-21-2000	Savage et al.
	A8	US-6,036,714	03-14-2000	Chin
	A9	US-6,030,406	02-29-2000	Davis et al.
	A10	US-5,904,711	05-18-1999	Flom et al.
	A11	US-5,860,997	01-19-1999	Bonutti
	A12	US-5,810,878	09/22/1998	Burel et al.
	A13	US-5,800,449	09/01/1998	Wales
	A14	US-5,772,680	06-30-1998	Kieturakis et al.
	A15	US-5,762,604	06.09.1998	Kieturakis
	A16	US-5,738,628	04-14-1998	Sierocuk et al.
	A17	US-5,730,756	03-24-1998	Kieturakis
	A18	US-5,728,148	03-17-1998	Bostrom et al.
	A19	US-5,716,392	02-10-1998	Bourgeois et al.
	A20	US-5,702,417	12-30-1997	Hermann
	A21	US-5,695,504	12-09-1997	Gifford, III et al.
	A22	US-5,685,820	11-11-1997	Riek et al.
	A23	US-5,667,520	09-16-1997	Bonutti
	A24	US-5,653,726	08-05-1997	Kieturakis
	A25	US-5,653,722	07-1997	Kieturakis

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.

Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application No.	09/635,345
Filing Date	August 9, 2000
First Named Inventor	Albert K. Chin
Art Unit	3738
Examiner Name	Thomas C. Barrett
Attorney Docket Number	80121-07179

Sheet 2 of 5

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document No. Number - Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A26	US-5,613,947	03-25-1997	Chin
	A27	US-5,607,441	03-04-1997	Sierocuk et al.
	A28	US-5,601,589	02-11-1997	Fogarty et al.
	A29	US-5,601,576	02/11/1997	Garrison
	A30	US-5,591,192	01-07-1997	Privitera et al.
	A31	US-5,569,292	10-29-1996	Scwemmerger et al.
	A32	US-5,569,291	10-29-1996	Privitera et al.
	A33	US-5,551,947	09-03-1996	Kaali
	A34	US-5,540,711	07-30-1996	Kieturakis et al.
	A35	US-5,514,153	05-07-1996	Bonutti
	A36	US-5,496,345	03-05-1996	Kieturakis et al.
	A37	US-5,376,076	12-27-1994	Kaali
	A38	US-5,373,840	12-20-1994	Knighton
	A39	US-5,336,252	08-09-1994	Cohen
	A40	US-5,334,150	08-02-1994	Kaali
	A41	US-5,331,975	07-26-1994	Bonutti
	A42	US-5,271,380	12-21-1993	Riek et al.
	A43	US-5,215,521	06-01-1993	Cochran et al.
	A44	US-5,183,464	02-02-1993	Dubrul et al.
	A45	US-5,163,949	11-1992	Bonutti
	A46	US-5,150,706	09-29-1992	Cox et al.
	A47	US-5,143,082	09-01-1992	Kindberg et al.
	A48	US-5,131,905	07-21-1992	Grooters
	A49	US-4,957,477	09-18-1990	Lundback
	A50	US-4,921,483	05-01-1990	Wijay et al.

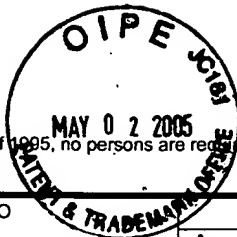
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application No.	09/635,345
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First Named Inventor	Albert K. Chin
Art Unit	3738
Examiner Name	Thomas C. Barrett
Attorney Docket Number	80121-07179

Sheet 3 of 5

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document No. Number – Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A51	US-4,863,440	09-05-1989	Chin
	A52	US-4,784,133	11-15-1988	Mackin
	A53	US-4,779,611	10-25-1988	Grooters et al.
	A54	US-4,662,371	05-05-1987	Whipple et al.
	A55	US-4,630,609	12-23-1986	Chin
	A56	US-4,526,175	07-02-1985	Chin et al.
	A57	US-4,493,711	01-15-1985	
	A58	US-4,479,497	10-30-1984	Fogarty et al.
	A59	US-4,318,410	03-09-1982	Chin
	A60	US-4,271,839	06-09-1981	Fogarty et al.
	A61	US-4,270,549	06-02-1981	Heilman
	A62	US-RE29,088	12-28-1976	Shaw
	A63	US-3,934,115	01-20-1976	Peterson
	A64	US-3,882,854	05-13-1975	Hulka et al.
	A65	US-3,870,048	03/11/1975	Yoon
	A66	US-3,856,016	12-24-1974	Davis
	A67	US-3,357,433	12-12-1967	Fourestier et al.
	A68	US-3,336,916	08-22-1967	Edlich
	A69	US-3,185,155	05-25-1965	Slaten et al.
	A70	US-2,944,552	07-12-1960	Cannon
	A71	US-2,868,206	01-13-1959	Stoesser
	A72	US-2,316,297	04-13-1943	Southerland et al.
	A73	US-2,028,635	01-21-1936	Wappler
	A74	US-2,011,169	08-13-1935	Wappler
	A75	US-1,867,624	07-19-1932	Hoffman

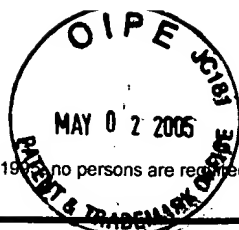
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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT****Complete if Known**

Application No.	09/635,345
Filing Date	August 9, 2000
First Named Inventor	Albert K. Chin
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Sheet 4 of 5

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document No. Number – Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A76	US-1,727,495	12-08-1926	Wappler
	A77	US-207,932	09-10-1878	Alvord

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
	B1	DE 39 42 589	22.12.1989	Olympus Optical Co.	
	B2	EP 0791330 A2	08/27/1997	Cardiothoracic Systems, Inc.	
	B3	EP 0 642 764	13.09.1994	United States Surgical Corporation	
	B4	FR 1 370580	1962	Fourestier et al.	
	B5	GB 2 082 459	13.08.1981	Atrium Medical	
	B6	GB 2 195 540	18.09.1987	Anthony James Milne	
	B7	SU 510235	15.04.1976		
	B8	SU 1371689	20.03.1986		
	B9	WO 97/26831	07-31-1997	Chin, Albert K.	
	B10	WO 96/32882	10/24/1996	Heartport, Inc.	

OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶
	C1	BERNHARD, Victor M. et al., "Cardiovascular Endoscopy: Historical Perspectives", Endovascular Surgery, 1989 W.B. Saunders Company, pp. 13-30	
	C2	CARPENTIER, A., "Technique d'implantation de pace-maker par une voie d'abord abdominale sous-xyphoïdienne," La Presse Medicale, Masson et Cie, Editeurs, Paris, Vol. 76, No. 2, January 13, 1968, 2 pp.	
	C3	Comedicus Incorporated, Equity Investment Information Sheet, May 17, 1999	

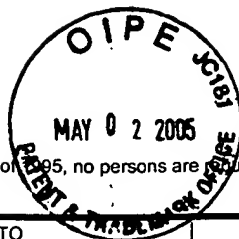
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				Examiner Name	Thomas C. Barrett
Sheet	5	of	5	Attorney Docket Number	80121-07179

OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶	
	C4	DELARIA, G.A. et al., "Leg Wound Complications Associated With Coronary Revascularization", J.Thorac, Cardiovasc. Surgery, 81:403-407, 1981.		
	C5	DIMITRI, W.R., et al., "A Quick and Atraumatic Method of Autologous Vein Harvesting Using the Subcutaneous Extraluminal Dissector", J. Cardiovasc. Surg., 28:103-11, 1987		
	C6	FOGARTY, M.D., Thomas J., et al., "Selected Applications of Balloon Dissection", pp. 45-52		
	C7	FONTENELLE, Larry, J., "Subxiphoid Pericardial Window", Thoracic and Cardiovascular Surgery, The American Association for Thoracic Surgery, July 1971, Vol. 62, No. 1, pp. 95-97		
	C8	HAUER, G., et al. "Endoscopic Subfascial Discussion of Perforating Vein", Surg. Endos. 2:5-12, 1988		
	C9	"Incision Decision", Atrium Medical Corporation advertisement, appearing in J. Thorac. Cardiovasc. Surg., 83(4), 1982		
	C10	LEVIN, Bradley H., "The Subxiphoid Pericardial Window", Surgery, Gynecology & Obstetrics, December 1982, Vol. 155, pp. 804-806		
	C11	MELDRUM-HANNA, W. et al., "Long Saphenous Vein Harvesting," J. Surg., 56: 923-924, 1986.		
	C12	MOAZAMI, N., M.D. et al., "Minimally Invasive Greater Saphenous Vein Harvesting For Coronary Artery Bypass Surgery", March 1997, pp. 94-98		
	C13	PRAGER, Richard L., et al., "The Subxiphoid Approach to Pericardial Disease", The Annals of Thoracic Surgery, Vol. 34, No. 1, July 1982		
	C14	RASHID, A., et al., "Subcutaneous Technique for Saphenous Vein Harvest", Ann. Thorac. Surg., 37(2):169-170, 1984		
	C15	SANTOS, Gil H., et al., "The Subxiphoid Approach in the Treatment of Pericardial Effusion", Albert Einstein College of Medicine, September 21, 1976, pp.467-470		
	C16	"Saphenous Vein Grafts Are No. 1. Period," Atrium Medical Corporation advertisement, appearing in J. Thorac. Cardiovas. Surg., 82(6), 1981		
	C17	WHEATLEY, D.J., M.D., ed., "Surgery of Coronary Artery Disease", C.V. Mosby Company, pp. 348-349, pp. 374-375		

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